REMARKS

102(e) Rejection Traversals

The Examiner has rejected claims 5-8 under 35 U.S.C. §102(e) as anticipated by Xu et al. (U.S. Pub. No 2002/0073076). Applicant respectfully traverses.

In Xu et al. '076 the client computer includes a database search engine program to perform database search functions (see Xu '076, paragraph 0037). Xu '076 specifically requires a database search engine to perform any queries or searches (see Xu '076, paragraph 0040 and 0042). Thus, any user must install the database search engine program of Xu et al '076 on their device to be able to access the server. This technology requires both a server-based application and a mobile device-based database search engine application to be installed before operation can commence.

Applicant's invention, to the contrary, requires only a server-based application that is accessed by any type of browser on the mobile device. No database search engine is required to be installed on the mobile device and data is not stored on the mobile browser in a database thereon, as is required by Xu et al. '076. The only requirement of Applicant's mobile device is that it can access the Internet.

Further, Xu et al. '076 must load the database files on the mobile device before an operation can be performed. That is why Xu et al. '076 requires the database search engine to be installed on the mobile device.

Because Xu et al. '076 requires a database search engine installed on the mobile device a lack of such (as is the case with Applicant's invention) would result in a lack of functionality of the device of Xu et al. '076.

As set forth in W.L. Gore and Associates v. Garlock, Inc., "anticipation requires the disclosure in a single prior art reference of each element of the claim under

consideration". W.L. Gore and Associates v. Garlock, Inc., 721 F.2d 1540 (Fed. Cir. 1984). Further, "each and every element of the claimed invention" must be "arranged as in the claim". Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452 (Fed. Cir. 1984). As such, because each and every element of the Applicants' invention is not taught by the reference, the Examiner's *prima facie* case for rejection is lacking.

Accordingly, Applicant's device distinguishes over Xu et al. '076 and the rejection of independent claims 5 and 6 is traversed. Since claims 7-11 depend ultimately from claim 6, the Examiner's rejection of claims 7-11 is moot.

103 Rejection Traversals

The Examiner has rejected claims 9-11 under 35 U.S.C. §103 as being unpatentable over Xu et al. (U.S. Pub. No 2002/0073076) in view of Haynes et al. (U.S. Pat. No. 7,110,968).

Applicant respectfully disagrees that Xu et al. '076 in view of Hayes et al. '968 renders the Applicant's invention obvious because Xu et al. '076 does not comprise the elements of the Applicant's invention arranged as in claims 5 and 6 as noted above. Further, Haynes '968 only teaches assisting an online shopper to maintain a shopping cart relationship between primary items and secondary items that are normally ordered along with the primary items, a completely different application. Accordingly, the Examiner's rejection of claims 9-11 depending from claim 6 is now moot.

CONCLUSION

No new matter has been added. Applicant respectfully believes that that the application is now in condition for allowance. Should the Examiner have any questions regarding this submission, she is invited to contact the undersigned counsel at the telephone number below.

{Signature follows on next page}

Respectfully submitted, this 17th day of March, 2009,

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